

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

DANABY RENTALS, INC.

Plaintiff

v.

WESTERN WORLD INSURANCE COMPANY

Defendant

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Civil Action No. \_\_\_\_\_

**DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Western World Insurance Company files this Notice of Removal.

1. Plaintiff Danaby Rentals, Inc. is now and when suit was filed a limited liability company formed under the laws of the state of Texas with its principal place of business in Texas. (Removal Index 010, ¶ 1.)

2. Defendant Western World Insurance Company is now a corporation incorporated in the State of New Hampshire with its administrative office in New Jersey and principal place of business in New York, and when suit was filed a corporation incorporated in the State of New Hampshire with its principal place of business in New York. (Removal Index 032.)

3. Because Plaintiff is now and was a citizen of Texas when suit was filed and because Defendant Western World is now and when suit was filed a citizen of New Hampshire and New York, complete diversity of citizenship exists among the parties.

4. This Notice of Removal is timely because it is filed within 30 days of the earliest possible date on which Defendant could colorably be regarded as having been served with the suit summons and complaint. (Removal Index 023.)

5. The amount in controversy exceeds \$75,000, exclusive of interest and costs, as the

Plaintiff seeks \$158,200.00 in alleged damages. (Removal Index 035.)

6. Because complete diversity of citizenship exists among the parties and because the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, this action is removable under 28 U.S.C. §§ 1332(b) and 1441.

7. Removal venue is proper in the present Court pursuant to 28 U.S.C. 1441(a), because the United States District Court for the Southern District of Texas, McAllen Division, embraces the 92<sup>nd</sup> District Court, Hidalgo County Texas, where the state court action was originally filed. (Removal Index 010.)

8. True and correct copies of the state court materials are filed with this Notice. (Removal Index 001 - 0031.)

9. A list of all counsel of record, including addresses, telephone numbers and parties represented is attached.

### **CONCLUSION**

By this Notice of Removal, Defendant does not waive any objections as to service, jurisdiction or venue or any other defenses or objections in this action, except as expressly herein admitted, and Defendants expressly reserve all defenses, motions and pleas.

Respectfully submitted,

ROBERT G. HOGUE, P.C.

By: s/Robert G. Hogue

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COUNSEL FOR DEFENDANT WESTERN WORLD

INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of September, 2024, a true and correct copy of this document was served on counsel for the Plaintiff as follows:

Maria Gerguis  
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Via ECF

ATTORNEYS FOR PLAINTIFF  
DANABY RENTALS, INC.

By: s/Robert G. Hogue

**LIST OF COUNSEL OF RECORD**

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